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 NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff,  
 JUANITA JONES AIRO, as daughter and successor in interest of decedent GARLAND R.  
 JONES

IN THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

WHA

C 06 6768

JUANITA JONES AIRO, as daughter	)	Case No.:
and successor in interest of decedent	)	
GARLAND R. JONES,	)	COMPLAINT FOR DAMAGES
Plaintiff,	)	42 U.S.C. § 1983
vs.	)	
	)	DEMAND FOR JURY TRIAL
	)	FRCP 38(b)
CITY AND COUNTY OF SAN	)	
FRANCISCO; VERONICA KELLER;	)	
JOSEPH GOLDENSON, M.D.; JEAN	)	
TAYLOR-WOODBURY, R.N.; Does 1-50)	)	
inclusive,	)	
	)	
Defendants.	)	
	)	

COMES NOW Plaintiff JUANITA JONES AIRO by and thorough her undersigned  
 counsel, and in support of her Complaint against Defendants, state as follows:

1. Plaintiff JUANITA JONES AIRO ["Plaintiff"] is a citizen of the state of  
 California and a resident of San Francisco County, California. At all times pertinent to this  
 litigation, Plaintiff is and was daughter of Decedent GARLAND JONES ["Decedent"] and  
 brings this action in her capacity as daughter and successor in interest of Decedent pursuant  
 to California Code of Civil Procedure section 377.32.

1           2.       Defendants VERONICA KELLER, JOSEPH GOLDENSON, M.D., JEAN  
2 TAYLOR-WOODBURY, R.N. are citizens of the state of California and, at all times  
3 pertinent were employed by Defendant CITY AND COUNTY OF SAN FRANCISCO,  
4 California.

5  
6           3.       Defendant CITY AND COUNTY OF SAN FRANCISCO is a local  
7 government located in the state of California.

8           4.       The claims in this litigation are brought pursuant to 42 U.S.C. section 1983  
9 and California law.

10           5.       This Court has subject matter jurisdiction pursuant to 28 U.S.C. section 1331  
11 and 28 U.S.C. section 1367.

12           6.       The events giving rise to this claim occurred in San Francisco County,  
13 California. Therefore, venue is proper in this Court.

14           7.       At all times pertinent to this litigation, Defendants VERONICA KELLER,  
15 JOSEPH GOLDENSON, M.D., JEAN TAYLOR-WOODBURY, R.N. had responsibility  
16 for performing their duties as Captain of the San Francisco county jail in San Bruno, as  
17 Director of Jail Health Services, and as a registered nurse, respectively, employed by  
18 Defendant CITY AND COUNTY OF SAN FRANCISCO, California.

19           8.       All actions and omissions of Defendants VERONICA KELLER, JOSEPH  
20 GOLDENSON, M.D., JEAN TAYLOR-WOODBURY, R.N., as described below, arose out  
21 of and were performed in connection with their official duties as Captain of the San  
22 Francisco county at jail in San Bruno, as Director of Jail Health Services, and as a registered  
23 nurse, respectively, of the San Francisco county jail.

24  
25  
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1           9.       At all times pertinent to this litigation, Defendants VERONICA KELLER,  
2       JOSEPH GOLDENSON, M.D., JEAN TAYLOR-WOODBURY, R.N., and CITY AND  
3       COUNTY OF SAN FRANCISCO, California acted under the color of state law.  
4

5                               **FIRST CAUSE OF ACTION**  
6                               **Violation of Decedent's Constitutional Rights**  
7                               (below all Defendants)

8           10.       Plaintiff hereby reincorporates and restates paragraphs 1 through 9 into this  
9       Cause of Action as though fully set forth below.

10          11.       Plaintiff is ignorant of the true names and capacities of defendants sued  
11       herein as Does 1-50, and therefore sues these defendants by such fictitious names because  
12       such information is not presently available to Plaintiff. Plaintiff will amend this complaint  
13       to allege their true names and capacities when ascertained. Plaintiff is informed and  
14       believes and thereon alleges that each of said fictitiously named defendants is responsible in  
15       some manner for violation of decedent's constitutional rights as herein alleged, and that the  
16       injuries herein alleged were proximately caused by said violations.  
17

18          12.       On or about June 2, 2005, decedent Garland R. Jones, ["Decedent"] was in  
19       custody at the San Francisco County Jail located at 1 Moreland Drive in San Bruno,  
20       California. Decedent was a diabetic, and this information was well documented in his  
21       medical records.

22          13.       On or about June 2, 2005, Decedent informed Defendants that he was a  
23       diabetic and that his blood sugar was too low. Decedent repeatedly requested a snack from  
24       Defendants. Such requests were denied and ignored by Defendants, and each of them.  
25       Defendants made no attempts or inquiries into investigating Decedent's complaints, and did  
26       not call for any medical assistance.  
27  
28

1           14.     On or about June 2, 2005, Decedent informed Defendants that he would die  
2 if he did not have a snack because his blood sugar level would drop too far. Decedent  
3 repeatedly requested a snack from Defendants. Such requests were denied and ignored by  
4 Defendants, and each of them. Defendants made no attempts or inquiries into investigating  
5 Decedent's requests, and did not call for any medical assistance.  
6

7           15.     On or about June 2, 2005, at approximately 10:45 p.m., Decedent fell to the  
8 ground and began to have seizures as a consequence of his blood sugar level being too low.  
9 Decedent was pronounced dead at 11:13 p.m. due to the acts and/or omissions of  
10 Defendants, and each of them, in failing to give Decedent a snack, render him timely  
11 medical treatment, or even investigate whether Decedent was telling the truth.  
12

13           16.     Plaintiff and Decedent were deprived of rights secured under the  
14 Constitutions and laws of the United States and of the State of California as a result of  
15 the acts and/or omissions of the Defendants under color of law. Plaintiff seeks  
16 damages against Defendants:  
17

18                 a.     For committing such acts in violation of those Constitutions  
19 and laws, and

20                 b.     For violating the rights, privileges, and immunities secured to  
21 them by the Constitution and laws of the United States and the State of  
22 California, and

23                 c.     For violating the rights to security of person and freedom from  
24 cruel and unusual punishment, guaranteed by the Eighth, and Fourteenth  
25 Amendments to the Constitution of the United States and similar provisions of  
26 the California State Constitution, and  
27  
28

1                   d.       For violating the rights not to be deprived of life, liberty and  
2                   the pursuit of happiness without due process of law-both as to procedural due  
3                   process and substantive due process, all as guaranteed by the Fourth, Fifth,  
4                   and Fourteenth Amendments to the United States Constitution and similar  
5                   provisions of the California State Constitution, and  
6

7                   e.       For refusing or neglecting to prevent such deprivations and  
8                   denials to Decedent, and

9                   f.       For failing to provide immediate and competent medical  
10                  treatment for Decedent, and  
11

12                  g.       For their wrongful, intentional, reckless and/or negligent  
13                  conduct.

14                  17.     That Defendants VERONICA KELLER, JOSEPH GOLDENSON, M.D.,  
15                  JEAN TAYLOR-WOODBURY, R.N., and/or CITY AND COUNTY OF SAN  
16                  FRANCISCO, either by affirmative acts or omissions, had in place policies, practices,  
17                  procedures and/or guidelines that violated or lead to the violation of the Constitutional  
18                  rights of Decedent.  
19

20                  18.     That Defendants are further liable for their failures to train, instruct,  
21                  supervise, control, and discipline the individual jail employees on a continuing basis, to wit:

22                       a.       Said failures were the result of official policy and/or the  
23                       customs, practices, usages of the defendant government entities.

24                       b.       Said failures were the result of the deliberate indifference of the  
25                       policy makers toward the rights of the citizens and Decedent involved herein.  
26

27                  BIRNBERG &  
28                  ASSOCIATES

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1           19. That defendants Does 1-50 undertook providing medical care and/or guard  
2 services to Defendant CITY AND COUNTY OF SAN FRANCISCO for the County jail,  
3 and that said services are traditionally and exclusively a governmental function.  
4

5           20. Defendants by their acts and/or omissions did violate Decedent's  
6 Constitutional right to be free from cruel and usual punishment as provided by the Eighth  
7 Amendment of the United States Constitution.  
8

9           21. Defendants by their acts and/or omissions did violate Plaintiff's  
10 Constitutional right to liberty and/or the due process of law as provided by the Fifth and  
11 Fourteenth Amendments of the United States Constitution.  
12

13           22. Each of the rights described above is a clearly established Constitutional  
14 rights.  
15

16           23. As a direct and proximate result of the actions of Defendants in violating the  
17 rights of the decedent, Decedent suffered seizures and a painful death.  
18

19           24. Plaintiff specifically alleges that Decedent suffered extreme physical and  
20 mental anguish due to the acts and/or omissions of the Defendants.  
21

22           25. Plaintiff specifically alleges that Decedent suffered physical pain from  
23 failing into a seizure as a result of Defendants denying him a snack and proper medical  
24 treatment.  
25

26           26. Decedent specifically suffered deprivation of federal and state Constitutional  
27 rights and also in connection therewith: loss of freedom, pain and suffering, bodily injury  
28 and soreness, emotional pain, worry, suffering, mental distress in the form of  
embarrassment, humiliation, anxiety, fright, nervousness, indignity, insult, and loss of  
enjoyment of life.

27. That as a direct and proximate cause to the acts and/or omissions of the Defendants, and each of them, Plaintiff has endured loss of enjoyment of life, loss of sleep, symptoms of post-trauma, inconvenience, personal humiliation, nervousness and suffering, fear, pain and suffering, mental anguish, and emotional damages.

28. As a result of the negligence of defendants, and each of them, Plaintiff suffered the loss of the love, companionship, comfort, affection, society, solace, and moral support of Decedent.

29. As a result of the negligence of defendants, and each of them, Plaintiff and Decedent suffered economic damages in an amount according to proof.

30. Plaintiff specifically alleges she incurred funeral expenses in the amount of \$15,000.00

31. All the acts of Defendants were willful, wanton, reckless, malicious, and further show a complete a deliberate indifference to, and conscious disregard for the health, safety, and rights of Decedent and Plaintiff. Therefore, Plaintiff is entitled to an award of exemplary damages against the individual defendants acting in their individual capacities.

32. Plaintiff further seeks attorney's fees and expenses as authorized by 42 U.S.C. sections 1983 and 1988.

## SECOND CAUSE OF ACTION

### Joint Venture, Joint And Several Liability And Conspiracy

(against all defendants)

33. Plaintiff hereby reincorporates and restates paragraphs 1 through 32 into this Cause of Action as though fully set forth below.

34. Defendants acted together in a joint venture, were joint tortfeasors, and are jointly and severally liable to Decedent and to Plaintiff. Plaintiff alleges that the actions of Defendants described herein were the actions of persons conspiring together, all being

COMPLAINT FOR DAMAGES



1 conspirators engaged in a scheme and conspiracy to deny and to deprive Decedent of rights  
2 guaranteed to him under the Constitution and laws of the United States and of California and  
3 particularly those enumerated in this Complaint. The conspiracy included, but was not  
4 limited to, the conscious, willful, and/or reckless denial of necessary life-sustaining medical  
5 treatment, food, and medication. Defendants combined and acted in concert by way of an  
6 agreement to inflict wrongs against/injuries upon Decedent. Their agreement also included  
7 the covering up of their deprivation of medical treatment described herein.  
8

9         35. The purpose of conspiring was to deprive, either directly or indirectly,  
10 Decedent of due process and freedom from cruel and unusual punishment under the laws of  
11 California and his Constitutional rights.  
12

13         36. Defendants acted in furtherance of the object of the conspiracy by denying  
14 Decedent's repeated demands for a snack, and not inquiring as to whether the other  
15 defendants were justified in their denial of the same.  
16

17         37. Plaintiff and Decedent were injured in their persons and deprived of having  
18 and exercising their rights and privileges as a citizen of the United States and of California,  
19 all as set forth herein.  
20

21         38. The conspiracy extended to the completing and filing of false and misleading  
22 reports after the events at issue so as to justify actions that were taken and so as to create an  
23 appearance that was not in accordance with the actual facts that took place.  
24

25         39. As a consequence of the conspiracy, the defendants are all jointly and  
26 severally liable for all the damages alleged in the first cause of action above.  
27  
28



**THIRD CAUSE OF ACTION****Medical Malpractice**

(against Defendants JOSEPH GOLDENSON, M.D., JEAN TAYLOR-WOODBURY, R.N.,  
Does 1-50)

40. Plaintiff hereby reincorporates and restates paragraphs 1 through 39 into this Cause of Action as though fully set forth herein.

41. At all times herein mentioned, , JOSEPH GOLDENSON, M.D., JEAN TAYLOR-WOODBURY, R.N., and DOES 1 through 50, inclusive, and each of them, were physicians, surgeons, and medical professionals duly licensed to practice medicine in the State of California, and did practice in the County of San Francisco, California, and held themselves out to the public generally and to Decedent herein as being qualified and skilled in the practice of medicine and as possessing and exercising that degree of skill and learning ordinarily possessed and exercised by other skillful physicians, surgeons, and medical professionals practicing in the same or other similar localities in the United States.

42. At all times herein mentioned, defendants were the agents, servants and employees of their co-defendants, and each of them, and at all times, were acting within the full course and scope of that agency, service, and employment.

43. Plaintiff is uncertain as to the true names and status of defendants, Does 1 through 25, or whether defendants are a corporation, general partnership, limited partnership, unincorporated association, health care provider or otherwise. Plaintiff is informed and believes, and thereon alleges, that these defendants are duly licensed to do business, and were and are engaged in operating and managing a medical services facility rendering professional medical services in the county of San Francisco and by virtue of the laws of the State of California. When the true status of these defendants is ascertained, plaintiff prays leave of this court to amend this complaint accordingly.

1           44.     At all times mentioned, Does 26 through 50, inclusive, were and now are,  
2 registered nurses, licensed vocational nurses, practical nurses, registered technicians or other  
3 paramedical personnel, holding themselves out as duly licensed to practice their profession  
4 under and by virtue of the laws of the State of California and were, and now are, engaged in  
5 the practice of their profession in the State of California.  
6

7           45.     Pursuant to California Code of Civil Procedure, section 364, notices of intent  
8 to commence action against health care provider were sent to the appropriate defendants at  
9 their last known business address.  
10

11           46.     Decedent was under the care of defendants and each of them, for diagnosis  
12 and treatment of his diabetes, including but not limited to maintenance of appropriate blood  
13 sugar levels. Defendants, and each of them, failed to properly diagnose and treat said  
14 condition, including but not limited to negligently failing to properly give Decedent access  
15 to food sources and/or other medication to enable him to regulate his blood sugar levels.  
16

17           47.     As a result of the negligence of defendants, and each of them, as alleged  
18 above, commencing on or about June 2, 2005, Decedent began to suffer various medical  
19 problems.  
20

21           48.     As a direct and legal result of the negligence of defendants, and each of  
22 them, commencing on or about June 2, 2005, Decedent became sick, sore, lame, and/or  
23 disabled, began to have a seizure, causing pain and stress to his body and brain to the point  
24 of unconsciousness and eventually died as a result of the acts of the defendants.  
25

26           49.     As a result of the negligence of defendants, and each of them, Decedent  
27 suffered economic damages in an amount according to proof.  
28

1           50. As a result of the negligence of defendants, and each of them, Plaintiff  
2 suffered the loss of the love, companionship, comfort, affection, society, solace, and moral  
3 support of Decedent.  
4

5                                   **FOURTH CAUSE ACTION**  
6                                   **Wrongful Death**  
7                                   **(against all Defendants)**

8           51. Plaintiff hereby reincorporates and restates paragraphs 1 through 50 into this  
9 Cause of Action as though fully set forth herein.

10          52. Plaintiff is ignorant of the true names and capacities of defendants sued  
11 herein as Does 1- 50 inclusive, and therefore sues these defendants by such fictitious names.  
12 Plaintiff will amend this complaint to allege their true names and capacities when  
13 ascertained. Plaintiff is informed and believes and thereon alleges that each of said  
14 fictitiously named defendants is negligently responsible in some manner for the occurrences  
15 herein alleged, and that the injuries herein alleged were proximately caused by said  
16 negligence.  
17

18          53. On or about June 2, 2005, Decedent was in custody at the San Francisco  
19 County Jail, located at 1 Moreland Drive in San Bruno, California. Decedent was a  
20 diabetic, and this information was well documented in his medical records.  
21

22          54. On or about June 2, 2005, Decedent informed Defendants that he was a  
23 diabetic and that his blood sugar was too low. Decedent repeatedly requested a snack from  
24 Defendants. Such requests were denied and ignored by Defendants, and each of them.  
25 Defendants made no attempts or inquiries into investigating Decedent's complaints, and did  
26 not call for any medical assistance.  
27  
28

1           55.     On or about June 2, 2005, Decedent informed Defendants that he would die  
2 if he did not have a snack because his blood sugar level would drop too far. Decedent  
3 repeatedly requested a snack from Defendants. Such requests were denied and ignored by  
4 Defendants, and each of them. Defendants made no attempts or inquiries into investigating  
5 Decedent's complaints, and did not call for any medical assistance.  
6

7           56.     On or about June 2, 2005, at approximately 10:45 p.m., Decedent fell to the  
8 ground and began to have seizures as a consequence of his blood sugar level being too low.  
9 Decedent was pronounced dead at 11:13 p.m. due to the acts and/or omissions of  
10 Defendants, and each of them, in failing to give Decedent a snack, render him timely  
11 medical treatment, or even investigate whether Decedent was telling the truth.  
12

13           57.     As a proximate result of the negligent acts and omissions of defendants, and  
14 each of them, Decedent died on June 2, 2005.

15           58.     Prior to the death of Decedent, Decedent was a faithful and dutiful father to  
16 Plaintiff.  
17

18           59.     As a proximate result of the negligence of defendants, and each of them, and  
19 of the death of Decedent, Plaintiff has sustained pecuniary loss resulting from the loss of the  
20 society, comfort, attention, services, and support of decedent.

21           60.     As a proximate result of the negligence of defendants, and each of them, and  
22 of the death of Decedent, Plaintiff has sustained pecuniary loss resulting from value of the  
23 household services Decedent would have provided in the future.  
24

25           61.     As a proximate result of the negligence of defendants, and each of them,  
26 Plaintiff has sustained pecuniary loss resulting from the value of the financial support which  
27 Plaintiff would have received from Decedent.  
28

62. As a further proximate result of the negligence of defendants, and each of them, Plaintiff has incurred funeral and burial expenses.

### FIFTH CAUSE OF ACTION

#### Violation of Decedent's Constitutional Rights

(against Defendants VERONICA KELLER, CITY AND COUNTY OF SAN FRANCISCO, and Does 1-50 inclusive)

63. Plaintiff hereby reincorporates and restates paragraphs 1 through 62 into this Cause of Action as though fully set forth below.

64. Plaintiff is ignorant of the true names and capacities of defendants sued herein as Does 1-50, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of said fictitiously named defendants is responsible in some manner for violation of decedent's constitutional rights as herein alleged, and that the injuries herein alleged were proximately caused by said violations.

65. On or about June 2, 2005, the day prior to Decedent's scheduled release from jail, Decedent was physically attacked by the other inmates and beaten to death. Defendants, and each of them, knew of the excessive risk that the other inmates would attack Decedent, and yet failed to act to prevent it. Moreover, even after the attack began, Defendants failed to respond quickly despite the excessive risk that Decedent would be beaten to death. Furthermore, after the beating, Defendants failed to promptly call for any medical assistance.

66. On or about June 2, 2005, at approximately 10:45 p.m., Decedent fell to the ground and began to have seizures as a consequence of being beaten by the other inmates and the lack of prompt medical treatment. Decedent was pronounced dead at 11:13 p.m.

1 due to the acts and/or omissions of Defendants, and each of them, in failing to protect  
 2 Decedent despite the excessive risk of being beaten, failing to respond promptly once the  
 3 beating began, and failing to promptly call for medical treatment.

4  
 5 67. Plaintiff and Decedent were deprived of rights secured under the  
 6 Constitutions and laws of the United States and of the State of California as a result of  
 7 the acts and/or omissions of the Defendants under color of law. Plaintiff seeks  
 8 damages against Defendants:

9 a. For committing such acts in violation of those Constitutions  
 10 and laws, and

11 b. For violating the rights, privileges, and immunities secured to  
 12 them by the Constitution and laws of the United States and the State of  
 13 California, and

14 c. For violating the rights to security of person and freedom from  
 15 cruel and unusual punishment, guaranteed by the Eighth, and Fourteenth  
 16 Amendments to the Constitution of the United States and similar provisions of  
 17 the California State Constitution, and

18 d. For violating the rights not to be deprived of life, liberty and  
 19 the pursuit of happiness without due process of law-both as to procedural due  
 20 process and substantive due process, all as guaranteed by the Fourth, Fifth,  
 21 and Fourteenth Amendments to the United States Constitution and similar  
 22 provisions of the California State Constitution, and

23 e. For refusing or neglecting to prevent such deprivations and  
 24 denials to Decedent, and

f. For failing to provide immediate and competent medical treatment for Plaintiffs, and

g. For their wrongful, intentional, reckless and/or negligent conduct.

68. That Defendants VERONICA KELLER and/or CITY AND COUNTY OF SAN FRANCISCO, either by affirmative acts or omissions, had in place policies, practices, procedures and/or guidelines that violated or lead to the violation of the Constitutional rights of Decedent.

69. That Defendants are further liable for their failures to train, instruct, supervise, control and discipline the individual jail employees on a continuing basis, to wit:

a. Said failures were the result of official policy and/or the customs, practices, usages of the defendant government entities.

b. Said failures were the result of the deliberate indifference of the policy makers toward the rights of the citizens and Decedent involved herein.

70. That defendants Does 1-50 undertook providing prison services and/or guard services to Defendant CITY AND COUNTY OF SAN FRANCISCO for the County jail, and that said services are traditionally and exclusively a governmental function.

71. Defendants by their acts and/or omissions did violate Decedent's Constitutional right to be free from cruel and usual punishment as provided by the Eighth Amendment of the United States Constitution.

72. Defendants by their acts and/or omissions did violate Plaintiff's Constitutional right to liberty and/or the due process of law as provided by the Fifth and Fourteenth Amendments of the United States Constitution.



1           73.     Each of the rights described above are clearly established Constitutional  
2 rights.

3           74.     As a direct and proximate result of the actions of Defendants in violating the  
4 rights of Decedent, Decedent suffered the previously mentioned seizure and painful death.

5           75.     Plaintiff specifically alleges that Decedent suffered extreme physical and  
6 mental anguish due to the acts and/or omissions of the Defendants.

7           76.     Plaintiff specifically alleges that Decedent suffered physical pain from  
8 failing into a seizure as a result of Defendants denying him a snack and proper medical  
9 treatment.

10          77.     Decedent specifically suffered deprivation of federal and state Constitutional  
11 rights and also-in connection therewith-loss of freedom, pain and suffering, bodily injury  
12 and soreness, emotional pain, worry, suffering, mental distress in the form of  
13 embarrassment, humiliation, anxiety, fright, nervousness, indignity, insult, and loss of  
14 enjoyment of life.

15          78.     That as a direct and proximate cause to the acts and/or omissions of  
16 Defendants, and each of them, Plaintiff has endured loss of enjoyment of life, loss of sleep,  
17 symptoms of post-trauma, inconvenience, personal humiliation, nervousness and suffering,  
18 fear, pain and suffering, mental anguish, and emotional damages.

19          79.     As a result of the negligence of defendants, and each of them, Plaintiff  
20 suffered the loss of the love, companionship, comfort, affection, society, solace, and moral  
21 support, of Decedent.

22          80.     As a result of the negligence of defendants, and each of them, Plaintiff and  
23 Decedent suffered economic damages in an amount according to proof.



1 failed to respond quickly. Furthermore, after the beating, Defendants failed to promptly call  
2 for any medical assistance.

3 87. On or about June 2, 2005, at approximately 10:45 p.m., Decedent fell to the  
4 ground and began to have seizures as a consequence of being beaten by the other inmates  
5 and the lack of prompt medical treatment. Decedent was pronounced dead at 11:13 p.m.  
6 due to the acts and/or omissions of Defendants, and each of them, in failing to protect  
7 Decedent from the other inmates, failing to respond once the beating began, and failing to  
8 promptly call for medical treatment.

9 88. As a proximate result of the negligent acts and omissions of defendants, and  
10 each of them, as described above, Decedent died on June 2, 2005.

11 89. Prior to the death of Decedent, Decedent was a faithful and dutiful father to  
12 Plaintiff.

13 90. As a proximate result of the negligence of defendants, and each of them, and  
14 of the death of Decedent, Plaintiff has sustained pecuniary loss resulting from the loss of the  
15 society, comfort, attention, services, and support of decedent.

16 91. As a proximate result of the negligence of defendants, and each of them,  
17 Plaintiff has sustained pecuniary loss resulting from value of the household services  
18 Decedent would have provided in the future.

19 92. As a proximate result of the negligence of defendants, and each of them,  
20 Plaintiff has sustained pecuniary loss resulting from the value of the financial support which  
21 Plaintiff would have received from Decedent.

22 93. As a further proximate result of the negligence of defendants, and each of  
23 them, and of the death of decedent, Plaintiff has incurred funeral and burial expenses.

WHEREFORE Plaintiff prays for

1. An injunction against any similar actions ever being taken by Defendants or any of their employees at any time hereafter, and specifically an injunction requiring the governmental entities involved to take immediate steps so as to provide all necessary training, supervision, and policies required to prevent the injury of other innocent citizens.

2. For compensatory sums as to fully and completely compensate her and Decedent for the injuries and damages suffered as previously outlined;

3. For funeral and burial expenses for Decedent, according to proof;

4. For interest on all economic damages in the legal amount from June 2, 2005 to the date of judgment;


5. For exemplary damages;

6. For attorney fees and costs of suit herein incurred; and

7. For such other and further relief as the Court may deem proper.

Dated: 30 October 2006

BIRNBERG & ASSOCIATES

By   
Cory A. Birnberg  
Attorneys for Plaintiff


BIRNBERG &  
ASSOCIATES

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1 NOW COMES Plaintiff and demands jury trial pursuant to FRCP 38(b).

2  
3 Dated: 30 October 2006

BIRNBERG & ASSOCIATES

4  
5 By:   
6 Cory A. Birnberg  
7 Attorneys for Plaintiff  
8  
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26 BIRNBERG &  
ASSOCIATES

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COMPLAINT FOR DAMAGES